

March 6, 2006

Lt. General Carl Strock  
Commander and Chief of Engineers  
United States Army Corps of Engineers  
441 G Street, Northwest  
Washington, DC 20314-1000

Re: Proclamation of a State of Emergency for Critical Levee Erosion

Dear General Strock,

As a result of the imminent threat of catastrophic levee failure, I proclaimed a state of emergency for the California levee system on February 24, 2006. In my proclamation, I focused on the imminent threat of 24 identified critical levee erosion sites located in the counties of Colusa, Sacramento, Solano, Sutter, Yolo, and Yuba. On February 26, 2006, I requested that the President declare a federal state of emergency.

The existence of these 24 critical levee erosion sites creates conditions of extreme peril to the public and property protected by the levees, to the environment, and to the state's general economic well being. Therefore, I am directing that the full resources of the State of California be brought to complete any necessary work to repair these sites this year to avoid a catastrophic levee failure.

To accomplish this critical emergency work, California will need the assistance of federal agencies, including the United States Army Corps of Engineers. I am formally requesting that federal assistance be provided in the following manner.

First, I request that the Corps join with the state in recognizing the imminent threat of failure posed by these critical erosion sites. This is a clearly defined threat acknowledged in the Corps' own consultant report, and given the location of these critical erosion on major rivers flowing past populated areas, it is readily apparent that significant damage will be incurred if preventive action is not taken immediately. This imminent threat is present now in the current flood season and will continue next flood season if the critical erosion sites are not repaired.

The state requests that the Corps do its part to complete as much of these critically important repairs as possible. Accordingly, pursuant to the Code of Federal Regulations, Title 33, Part 203, Subpart F, section 203.72, I request that the Corps assist the state and respond to this emergency by taking advance measures to complete the repair of the 24 critical erosion sites identified in the December 29, 2005 study

prepared by Ayres Associates for the Corps. The following addresses the requirements governing the Corps' emergency work under advance measures to prevent the loss of life and significant damage to property.

#### State Efforts Undertaken

Following my proclamation of the state of emergency on February 24, the appropriate state agencies immediately redirected resources to repair the 24 levee sites by the end of the calendar year. The California Department of Water Resources (CDWR) is developing a strategic plan for completing the construction, addressing all steps required from design work to environmental mitigation to construction. This includes procuring the appropriate materials and means to perform the work at each critical erosion site and putting in place consulting and construction contracts. The California Department of Finance is securing the financial resources to ensure state's share of the funds are committed in a timely fashion. The California Resources Agency is coordinating with its departments to put in place programmatic agreements to address environmental mitigation and any impact on historic, archeological or Native American resources. As I noted above, I am directing the full resources of the state to protect lives and property by ensuring the necessary repairs to these critical erosion sites are completed this year.

#### Specific State Needs Requiring Corps Assistance

California specifically needs the Corps' assistance in the following ways:

- Fund, through re-programming, the Sacramento River Bank Protection Project, to accomplish the repairs of the critical erosion sites identified to be completed this year, in recognition of the immediate flood threat, to complete the repair work on the Sacramento River Bank Protection Project sites.
- Waive all rules pertaining to the state advancing funds to the Corps to allow the Corps to directly complete as much of the work as possible.
- Fully cooperate in expediting the amendment of the Local Cooperation Agreement for the Sacramento River Bank Protection project, to allow the state to advance funds to the Corps for construction of erosion repairs within the Corps' capability this year.
- Immediately share with the state all available information regarding the critical sites identified. In particular, the state needs to receive all information regarding plans and specifications, design work, reports, field inspections, geotechnical studies, surveys, biological assessments, any other environmental studies and documentation, and other appropriate documents.
- Acknowledge the emergency nature of this work and the imminent threat to public safety in enforcing Section 404 of the Clean Water Act and in consulting with federal regulatory agencies, including developing agreements that will allow any required mitigation to take place after the repairs have been completed.

#### Additional Commitments By Non-Federal Interests

In addition to the state resources that have been committed to addressing this critical issue, the CDWR will be coordinating with local reclamation districts, flood control districts and affected cities and counties to

ensure that their resources, expertise, and assistance are appropriately employed to accomplish the repair of these critical sites this year.

Non-Federal Sponsor

The non-federal sponsor for this emergency work is the CDWR.

Because I have directed the CDWR to work to repair all critical erosion sites that the Corps is unable to complete before the start of the next flood season, I also request the Corps to coordinate with CDWR to ensure that the levees are certified immediately upon completion of the repairs. To accomplish this goal, I request that the Corps work with CDWR to ensure that all repairs are completed to Corps and FEMA standards. To this end, it will be necessary for the Corps to provide staff to work with CDWR to review the designs and the contract bid packages that the state will complete. It will also be necessary for the Corps to be present during construction and to verify that the state is completing the work to Corps and FEMA standards.

In addition, I request that the Corps work with the state to arrange for the state to be reimbursed by the federal government under appropriate cost-share formulas without the need for prior approval of credit agreements. This will ensure that the repair work is completed this year with proper contribution to the cost by the federal government. Finally, I request that the Corps provide all available assistance through its consultation with federal regulatory agencies and under its own permits and certification requirements to allow this critical repair work to proceed immediately, including developing agreements that will allow any required mitigation to take place after the repairs have been completed.

Finally, there are reports that the recent storms have induced levee damage, and possibly new critical erosion, along reaches not now identified in the Ayres Report as being critical. As new critical sites are identified, we will be requesting that the Corps, under Public Law 84-99, restore the levees to their pre-flood conditions using federal funds for the federal cost share for these repairs.

I appreciate your cooperation in meeting this challenge.

Sincerely,

Arnold Schwarzenegger

cc: The Honorable John Paul Woodley, Jr.  
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